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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

MELVYN STEIN and BEVERLY BUHS, on
behalf of themselves, all other similarly situated,
and the General Public

Plaintiffs,

vs.

AMERICAN INTERNATIONAL GROUP, AIG
SUNAMERICA, INC., ESTATE
PRESERVATION, INC., ESTATE PLANNING
OF CALIFORNIA, PACIFIC LIFE
INSURANCE COMPANY, STEVEN E.
KIRBY, and DOES 1-100, inclusive,

Defendants.

Case No.: C-05-0696

**PLAINTIFFS' OBJECTION TO
DEFENDANT ESTATE
PRESERVATION, INC.'S REQUEST
TO TAKE JUDICIAL NOTICE**

Date: May 13, 2005

Time: 10:00 a.m.

Courtroom: 8, 19th Floor

The Honorable Charles R. Breyer

Complaint Filed: October 29, 2004

Trial Date: Not Assigned

Plaintiffs object to the Request for Judicial Notice on the grounds that Defendant improperly requests the Court to consider opinion evidence and requests the Court to take judicial notice of disputed facts. While a court may take judicial notice of a judicial or administrative proceeding which has a direct relation to the matters at issue, a court can only take judicial notice of the existence of those matters of public record but not the veracity of the arguments and disputed facts contained therein. *United States v. Southern California Edison Co.*, 300 F. Supp. 2d 964, 974 (E.D. Cal. 2004); Fed. R. Evid. 201. Further, a court may not

1 take judicial notice of one party's opinion of how a matter of public record should be
2 interpreted. *Id.*

3 Dated: April 7, 2005

RENNE SLOAN HOLTZMAN & SAKAI, LLP

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5 By: 

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Attorneys for Plaintiffs